



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

March 21, 2019

Ryan P Mulvey
Cause of Action Institute
1875 Eye Street N.W., Suite 800
Washington, DC 20006

Re: Request No. DOC-NOAA-2019-000481

Dear Mr. Mulvey,

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on January 31, 2019, in which you requested:

"CoA Institute hereby requests access to the following records for the time period of September 19, 2018 to the present: 1. All records reflecting the Secretary of Commerce's approval of the New England Industry Funded Monitoring Omnibus Amendment, including all related correspondence between the Department of Commerce (e.g., Office of the Secretary) and NOAA. 2. All records reflecting NOAA's formal consideration and response(s) to issues raised in public comments on the agency's September 19, 2018 notice of availability for the

Omnibus Amendment. 3. All correspondence (including e-mail, text/instant messages, etc.) concerning final approval of the Omnibus Amendment, and/or the December 18, 2018 letter from Administrator Pentony, sent or received by any GARFO employee and the following individuals: Any member or employee of the New England Fishery Management Council; Any member or employee of the Mid-Atlantic Fishery Management Council; Any member or employee of the Atlantic States Marine Fisheries Commission; Any official or employee of the Northeast Fisheries Science Center; and, Any employee or representative of (i) A.I.S., Inc.; (ii) East West Technical Services, LLC; (iii) Fathom Research, LLC; or, (iv) MRAG Americas, Inc. 4. All correspondence (including e-mail, text/instant messages, etc.) between and amongst members and/or staff of the New England Fishery Management Council concerning the final approval of the Omnibus Amendment and/or the December 18, 2018 letter from Administrator Pentony."

This is our first interim release. We have located 28 records responsive to your request. You are granted full access to those records, and a copy is enclosed.

Although we do not consider this to be a denial of your request, you have the right to file an administrative appeal if you are not satisfied with our response to your FOIA request. All appeals should include a statement of the reasons why you believe the FOIA response was not satisfactory. An appeal based on documents in this release must be received within 90 calendar days of the date of this response letter at the following address:



Assistant General Counsel for Litigation, Employment, and Oversight
U.S. Department of Commerce
Office of General Counsel
Room 5875
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, or by FOIAonline at <https://foiaonline.regulations.gov/foia/action/public/home#>.

For your appeal to be complete, it must include the following items:

- a copy of the original request,
- our response to your request,
- a statement explaining why the withheld records should be made available, and why the denial of the records was in error.
- “Freedom of Information Act Appeal” must appear on your appeal letter. It should also be written on your envelope, or e-mail subject line.

FOIA appeals posted to the e-mail box, FOIAonline, or Office after normal business hours will be deemed received on the next business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

FOIA grants requesters the right to challenge an agency's final action in federal court. Before doing so, an adjudication of an administrative appeal is ordinarily required.

The Office of Government Information Services (OGIS), an office created within the National Archives and Records Administration, offers free mediation services to FOIA requesters. They may be contacted in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
Email: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

If you have questions regarding your request, please contact Amanda Patterson at Amanda.Patterson@noaa.gov or call 978-281-9210.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amanda J. Patterson". The signature is fluid and cursive, with the first name "Amanda" being more prominent than the last name "Patterson".

Amanda J. Patterson, MLS
FOIA Coordinator, Greater Atlantic Region